

subsequent to acquisition by United States of any real property for resettlement or rural rehabilitation projects.

Section 432, act June 29, 1936, ch. 868, § 2, 49 Stat. 2036, related to certain payments to State or political subdivisions in lieu of taxes.

Section 433, act June 29, 1936, ch. 868, § 3, 49 Stat. 2036, related to payment in lieu of taxes from appropriations for and receipts from projects.

Section 434, act June 29, 1936, ch. 868, § 4, 49 Stat. 2036, related to dedications and grants in connection with projects.

REVOLVING FUND

Establishment of revolving fund under which to account for assets and liabilities in connection with subsistence homesteads under these sections, see section 1701g-5 of Title 12, Banks and Banking.

§§ 435 to 444. Omitted

CODIFICATION

Section 435, act June 22, 1946, ch. 445, 60 Stat. 292, which required Secretary of Agriculture to transmit to Congress semiannually a progress report on liquidation of rural rehabilitation projects, was from the Department of Agriculture Appropriation Act, 1947, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation acts:

May 5, 1945, ch. 109, 59 Stat. 160.

June 28, 1944, ch. 296, 58 Stat. 456.

July 12, 1943, ch. 215, 57 Stat. 425.

Section 436, act July 30, 1946, ch. 698, § 1, 60 Stat. 711, authorized Secretary of Agriculture, for a period not to exceed three years from July 30, 1946, to dispose of lands comprising or incident to resettlement and rural rehabilitation projects.

Section 437, act July 30, 1946, ch. 698, § 2, 60 Stat. 711, authorized Secretary to sell units not to exceed 640 acres in any one sale at the earning capacity value as determined by him.

Section 438, act July 30, 1946, ch. 698, § 3, 60 Stat. 711, authorized appropriations to carry out purposes of sections 436 to 438 of this title.

Section 439, act July 30, 1946, ch. 698, § 4, 60 Stat. 712, provided for conveyance of all of the right, title, and interest of the Government in the project land.

Section 440, act May 3, 1950, ch. 152, § 2, 64 Stat. 98, authorized Secretary of Agriculture, within three years from May 3, 1950, to liquidate trusts organized pursuant to transfer agreements with State rural rehabilitation corporations.

Section 441, act May 3, 1950, ch. 152, § 3, 64 Stat. 99, authorized liquidation of all properties and assets of State rural rehabilitation corporations held by Federal agencies other than Department of Agriculture.

Section 442, act May 3, 1950, ch. 152, § 4, 64 Stat. 100; Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 656, authorized Secretary of Agriculture to employ personnel to aid in liquidation and transfer of properties and assets of rural rehabilitation corporation trusts. Section 8(a) of Pub. L. 89-554 repealed subsecs. (a) and (b) of this section.

Section 443, act May 3, 1950, ch. 152, § 5, 64 Stat. 100, restricted use of trust properties and assets held on May 3, 1950, by Secretary.

Section 444, act May 3, 1950, ch. 152, § 6, 64 Stat. 100, provided that determination of Secretary of Agriculture with respect to assets to be returned to each State rural rehabilitation corporation shall be final and conclusive upon each corporation.

CHAPTER 9—NON-FEDERAL PUBLIC WORKS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

451 to 459. Omitted or Repealed.

SUBCHAPTER II—URBAN AND RURAL PLANNING

460. Urban planning and reserve of planned public works; definitions.

Sec.

461.

462.

Repealed.

Reserve of planned public works.

(a) Advances for feasibility studies, surveys, designs, plans, etc.

(b) Requisites for advances.

(c) Repealed.

(d) Rules and regulations.

(e) Revolving fund.

(f) Surveys of public works planning.

(g) Forgiveness of outstanding advances; cancellation of contracts respecting repayment of advances.

SUBCHAPTER I—GENERAL PROVISIONS

§§ 451 to 455. Omitted

CODIFICATION

Section 451, act Oct. 13, 1949, ch. 685, § 1, 63 Stat. 841, authorized the Housing and Home Finance Administrator, during the period of two years immediately following Oct. 13, 1951, to make loans and advances to the States and non-Federal public agencies for advance planning on non-Federal public works.

Section 452, act Oct. 13, 1949, ch. 685, § 2, 63 Stat. 841, authorized Housing and Home Finance Administrator to allocate funds appropriated for advance planning among the several States.

Section 453, act Oct. 13, 1949, ch. 685, § 3, 63 Stat. 842, provided that no loan or advance shall be made to any individual project unless such project conforms to an over-all State, local, or regional plan approved by a competent State, local, or regional authority.

Section 454, act Oct. 13, 1949, ch. 685, § 4, 63 Stat. 842, provided that any loans or advances shall be repaid without any interest if and when construction of the public works is undertaken or started, and that repayment shall be on demand of Administrator if construction is not undertaken or started within three years after full amount of loan or advance has been made.

Section 455, act Oct. 13, 1949, ch. 685, § 5, 63 Stat. 842, authorized the Housing and Home Finance Administrator to prescribe rules and regulations to carry out the purposes of sections 451 to 458 of this title.

REVOLVING FUND

Establishment of revolving fund under which to account for assets and liabilities in connection with loans or advances made pursuant to sections 451 to 458 of this title, see section 1701g-5 of Title 12, Banks and Banking.

§ 456. Repealed. Aug. 2, 1954, ch. 649, title VIII, § 802(b), 68 Stat. 642

Section, act Oct. 13, 1949, ch. 685, § 6, 63 Stat. 842, related to reports to Congress. See section 1701o of Title 12, Banks and Banking.

§§ 457 to 459. Omitted

CODIFICATION

Section 457, act Oct. 13, 1949, ch. 685, § 7, 63 Stat. 842, authorized appropriations not to exceed \$100,000,000 to carry out the purposes of sections 451 to 458 of this title.

Section 458, act Oct. 13, 1949, ch. 685, § 8, 63 Stat. 842, defined "State".

Section 459, acts July 30, 1953, ch. 282, title I, § 108, 67 Stat. 231; Aug. 2, 1954, ch. 649, title VIII, § 804, 68 Stat. 643, related to aid in financing projects, under Federal, State or municipal law by Housing and Home Finance Administrator, and terminated at the close of June 30, 1956, except for purposes of liquidation, which should have been completed not more than six months after June 30, 1956.

CANCELLATION OF AUTHORIZATION OF APPROPRIATIONS; TRANSFER OF UNOBLIGATED BALANCE; REPAYMENT OF ADVANCES

Act June 27, 1956, ch. 452, title II, 70 Stat. 353, canceled authorization for appropriations contained in sec-

tion 459 of this title, rescinded unobligated balance of revolving fund authorized by said section and provided that it was to be covered into Treasury, and canceled obligation of Administrator of Housing and Home Finance Agency to repay Treasury for advances from said fund, together with interest thereon.

SUBCHAPTER II—URBAN AND RURAL PLANNING

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 12 section 1749d.

§ 460. Urban planning and reserve of planned public works; definitions

As used in this subchapter, (1) the term “State” shall mean any State, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and the Trust Territory of the Pacific Islands; (2) the term “Secretary” shall mean the Secretary of Housing and Urban Development; (3) the term “public works” shall include any public works other than housing; and (4) the term “public agency” or “public agencies” shall mean any State, as herein defined, or any public agency or political subdivision therein.

(Aug. 2, 1954, ch. 649, title VII, § 703, 68 Stat. 641; Pub. L. 90-19, § 10(d), May 25, 1967, 81 Stat. 22; Pub. L. 93-383, title IV, § 401(c), Aug. 22, 1974, 88 Stat. 691.)

AMENDMENTS

1974—Pub. L. 93-383 inserted reference to Trust Territory of the Pacific Islands in cl. (1).

1967—Pub. L. 90-19 amended cl. (2) generally. Prior to amendment, cl. (2) defined “Administrator” as meaning the Housing and Home Finance Administrator.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 461. Repealed. Pub. L. 97-35, title III, § 313(b), Aug. 13, 1981, 95 Stat. 398

Section, acts Aug. 2, 1954, ch. 649, title VII, § 701, 68 Stat. 640; Aug. 7, 1956, ch. 1029, title III, §§ 307(d), 308, 70 Stat. 1102; July 12, 1957, Pub. L. 85-104, title VI § 606, 71 Stat. 305; Sept. 23, 1959, Pub. L. 86-372, title IV, § 419, 73 Stat. 678; May 1, 1961, Pub. L. 87-27, § 15, 75 Stat. 58; June 30, 1961, Pub. L. 87-70, title III, § 310, 75 Stat. 170; Sept. 2, 1964, Pub. L. 88-560, title III, §§ 314-317, 78 Stat. 792, 793; Mar. 9, 1965, Pub. L. 89-4, title II, § 213, 79 Stat. 17; Aug. 10, 1965, Pub. L. 89-117, title XI, § 1102, 79 Stat. 502; Nov. 3, 1966, Pub. L. 89-754, title IV, § 406, title VI, § 604, title X, § 1008, 80 Stat. 1273, 1279, 1286; May 25, 1967, Pub. L. 90-19, § 10(a), 81 Stat. 22; Oct. 11, 1967, Pub. L. 90-103, title I, § 115, 81 Stat. 262; Aug. 1, 1968, Pub. L. 90-448, title VI, § 601, 82 Stat. 526; Dec. 24, 1969, Pub. L. 91-152, title III, § 302, 83 Stat. 391; Dec. 31, 1970, Pub. L. 91-606, title III, § 301(a), 84 Stat. 1758; Dec. 31, 1970, Pub. L. 91-609, title III, § 302, title VII, §§ 727(e), 735, 84 Stat. 1780, 1803, 1804; Dec. 22, 1971, Pub. L. 92-213, § 8(a), 85 Stat. 776; July 1, 1972, Pub. L. 92-335, § 4, 86 Stat. 405; Oct. 2, 1973, Pub. L. 93-117, § 11, 87 Stat. 423; May 22, 1974, Pub. L. 93-288, title VI, § 602(a), 88 Stat. 163; Aug. 22, 1974, Pub. L. 93-383, title IV, § 401(a), (b), 88 Stat. 686, 687; Ex. Ord. No. 11867, § 3(e), eff. June 19, 1975, 40 F.R. 26253; Ex. Ord. No. 11893, § 1, eff. Dec. 31, 1975, 41 F.R. 1040; Aug. 3, 1976, Pub. L. 94-375, § 16(a), 90 Stat. 1076; Oct. 12, 1977, Pub. L. 95-128, title I, § 112, 91 Stat. 1127; Oct. 31, 1978, Pub. L. 95-557, title III, § 304, 92 Stat. 2096; Dec. 21, 1979, Pub. L. 96-153, title I, § 102, 93 Stat. 1101;

Oct. 8, 1980, Pub. L. 96-399, title IV, § 401, 94 Stat. 1662, set forth Congressional findings, purposes, definitions, etc., with respect to comprehensive planning contracts and grants.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 371 of Pub. L. 97-35, set out as an Effective Date note under section 3701 of Title 12, Banks and Banking.

§ 462. Reserve of planned public works

(a) Advances for feasibility studies, surveys, designs, plans, etc.

In order (1) to encourage municipalities and other public agencies and Indian tribes to maintain at all times a current and adequate reserve of planned public works the construction of which can rapidly be commenced, particularly when the national or local economic situation makes such action desirable, and (2) to help attain maximum economy and efficiency in the planning and construction of public works, the Secretary is authorized to make advances to public agencies and Indian tribes (notwithstanding the provisions of section 3324(a) and (b) of title 31) to aid in financing the cost of feasibility studies, engineering and architectural surveys, designs, plans, working drawings, specifications, or other action preliminary to and in preparation for the construction of public works, including, in the case of public works to be constructed in connection with the development of a medical center, a general plan for the development of such center: *Provided*, That the making of advances hereunder shall not in any way commit the Congress to appropriate funds to assist in financing the construction of any public works so planned: *And provided further*, That advances outstanding to public agencies and Indian tribes in any one State shall at no time exceed 12½ per centum of the aggregate then authorized to be appropriated to the revolving fund established pursuant to subsection (e) of this section.

(b) Requisites for advances

No advance shall be made hereunder with respect to any individual project, including a regional or metropolitan or other area-wide project, unless (1) it is planned to be constructed within or over a reasonable period of time considering the nature of the project, (2) it conforms to an overall State, local, or regional plan approved by a competent State, local, or regional authority, and (3) the public agency or Indian tribe formally contracts with the Federal Government to complete the plan preparation promptly and to repay such advance or part thereof when due.

(c) Repealed. Pub. L. 100-242, title V, § 524(1), Feb. 5, 1988, 101 Stat. 1939

(d) Rules and regulations

The Secretary is authorized to prescribe rules and regulations to carry out the purpose of this section.

(e) Revolving fund

In order to provide moneys for advances in accordance with this section, the Secretary is hereby authorized to establish a revolving fund

which shall comprise (1) all moneys heretofore or hereafter appropriated pursuant to this section, together with all repayments and other receipts heretofore or hereafter received in connection with advances made under this section, and (2) all repayments and other receipts received after June 30, 1964, and all advances (and claims in connection with advances) outstanding as of such date, under title V of the War Mobilization and Reconversion Act of 1944 (58 Stat. 791) [50 App. U.S.C. 1671] and the Act of October 13, 1949 (63 Stat. 841-2) [40 U.S.C. 451 et seq.]. There are authorized to be appropriated to such revolving fund, in addition to amounts authorized to be appropriated for the purposes of this section prior to September 2, 1964, such sums not to exceed \$70,000,000, as may be necessary to carry out the purposes of this section.

(f) Surveys of public works planning

The Secretary is authorized to use during any fiscal year not to exceed \$100,000 of the moneys in the revolving fund (established under subsection (e) of this section) to conduct surveys of the status and current volume of State and local public works planning and surveys of estimated requirements for State and local public works: *Provided*, That the Secretary, in conducting any such survey, may utilize or act through any Federal department or agency with its consent.

(g) Forgiveness of outstanding advances; cancellation of contracts respecting repayment of advances

Effective upon February 5, 1988, and in accordance with such accounting and other procedures as the Secretary may prescribe, each advance made by the Secretary under this section that has any principal amount outstanding shall be forgiven. The terms and conditions of any contract, or any amendment to a contract, for such advance with respect to any promise to repay the advance shall be canceled.

(Aug. 2, 1954, ch. 649, title VII, §702, 68 Stat. 641; Aug. 11, 1955, ch. 783, title I, §112, 69 Stat. 641; Pub. L. 86-372, title VIII, §801, Sept. 23, 1959, 73 Stat. 686; Pub. L. 87-70, title V, §502, June 30, 1961, 75 Stat. 175; Pub. L. 87-658, §6, Sept. 14, 1962, 76 Stat. 544; Pub. L. 88-560, title VI, §602, Sept. 2, 1964, 78 Stat. 799; Pub. L. 89-117, title XI, §1104, Aug. 10, 1965, 79 Stat. 503; Pub. L. 90-19, §10(a), May 25, 1967, 81 Stat. 22; Pub. L. 90-448, title VI, §607, Aug. 1, 1968, 82 Stat. 534; Pub. L. 100-242, title V, §524, Feb. 5, 1988, 101 Stat. 1939.)

REFERENCES IN TEXT

The War Mobilization and Reconversion Act of 1944, referred to in subsec. (e), is act Oct. 3, 1944, ch. 480, 58 Stat. 785, which was classified to section 1651 et seq. of Title 50, Appendix, War and National Defense, and which has been omitted from the Code. Title V of the War Mobilization and Reconversion Act of 1944 was classified to section 1671 of Title 50, Appendix. For complete classification of this Act to the Code, see Tables.

Act of October 13, 1949, referred to in subsec. (e), is act Oct. 13, 1949, ch. 685, 63 Stat. 841, as amended, which was classified generally to subchapter I (§451 et seq.) of chapter 9 of this title, and which has been omitted from the Code. For complete classification of this Act to the Code, see Tables.

CODIFICATION

In subsec. (a), “section 3324(a) and (b) of title 31” substituted for “section 3648 of the Revised Statutes, as

amended [31 U.S.C. 529]” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1988—Subsec. (c), Pub. L. 100-242, §524(1), struck out subsec. (c) which read as follows: “Advances under this section to any public agency or Indian tribe shall be repaid without interest by such agency or tribe when the construction of the public works is undertaken or started: *Provided*, That in the event repayment is not made promptly such unpaid sum shall bear interest at the rate of 4 per centum per annum from the date of the Government’s demand for repayment to the date of payment thereof by the public agency or Indian tribe.”

Subsec. (g), Pub. L. 100-242, §524(2), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: “Notwithstanding any other provision of this section, no advance made under this section for the planning of any public works project shall be required to be repaid if construction of such project is initiated as a result of a grant-in-aid made from an allocation made by the President under the Public Works Acceleration Act.”

Subsec. (h), Pub. L. 100-242, §524(1), struck out subsec. (h) which read as follows:

“(1) Notwithstanding any other provision of law, if a public agency or Indian tribe undertakes to construct only a portion of a public work planned with an advance under this section, under title V of the War Mobilization and Reconversion Act of 1944, or under the Act of October 13, 1949, it shall repay only such proportionate amount of the advance relating to the public work as the Secretary determines to be equitable.

“(2) The Secretary is authorized to terminate, upon such terms and conditions as he shall deem equitable, all or a portion of the liability for repayment of any advance made under this section, title V of the War Mobilization and Reconversion Act of 1944, or the Act of October 13, 1949. Whenever the Secretary determines that there is no reasonable likelihood that the public work, or a portion of the public work, planned with such advance will be constructed, he may terminate the agreement for the advance. Such determination shall be conclusive and shall be based on standards prescribed by regulations to be issued by the Secretary.”

1968—Subsec. (a), Pub. L. 90-448 authorized advances for feasibility studies.

1967—Pub. L. 90-19 substituted “Secretary” for “Administrator” wherever appearing in subsections (a), (d) to (f), and (h)(1), (2) of this section.

1965—Subsec. (e), Pub. L. 89-117 substituted “\$70,000,000” for “\$20,000,000”.

1964—Subsec. (a), Pub. L. 88-560, §602(c)(1), (e), inserted “and Indian tribes” wherever appearing, and authorized, in the case of public works to be constructed in connection with the development of a medical center, aid in financing a general plan for the development of such center.

Subsec. (b)(3), Pub. L. 88-560, §602(c)(2), (f), inserted “or Indian tribe”, and struck out requirement that subsequent to approval and prior to disbursement of any Federal funds for advance planning, the applicant had to establish a separate planning account into which all Federal and applicant funds estimated to be required for plan preparation had to be placed.

Subsec. (c), Pub. L. 88-560, §602(c)(3), (4), inserted references to Indian tribes wherever appearing and struck out proviso “That if the public agency undertakes to construct only a portion of a planned public work it shall repay such proportionate amount of the advances relating to the public work as the Administrator determines to be equitable.” See subsec. (h) of this section.

Subsec. (e), Pub. L. 88-560, §602(a), provided that repayments and other receipts received after June 30, 1964, and all advances outstanding as of such date, under title V of the War Mobilization and Reconversion Act of 1944, and the Act of October 13, 1949, shall go into the revolving fund, and substituted an authorization of appropriations not to exceed \$20,000,000 in addition to

amounts authorized prior to Sept. 2, 1964, as may be necessary for the purposes of this section, for an authorization not exceeding \$58,000,000 in undisbursed balances in the revolving fund and in advances outstanding for plans with respect to projects which in the determination of the Administrator, could have been undertaken within a reasonable time.

Subsec. (f). Pub. L. 88-560, § 602(d), substituted “\$100,000” for “\$50,000”.

Subsec. (h). Pub. L. 88-560, § 602(b), added subsec. (h). 1962—Subsec. (g). Pub. L. 87-658 added subsec. (g).

1961—Subsec. (a). Pub. L. 87-70, § 502(1), substituted “12½ per centum” for “10 per centum”.

Subsec. (b). Pub. L. 87-70, § 502(2), included regional or metropolitan or other area-wide projects, and substituted “constructed within or over a reasonable period” for “constructed within a reasonable period”.

Subsec. (e). Pub. L. 87-70, § 502(3), (4), authorized an appropriation of \$10,000,000, which may be made available on or after July 1, 1961, and increased the maximum amount of undisbursed balances from \$48,000,000 to \$58,000,000.

1959—Subsec. (f). Pub. L. 86-372 added subsec. (f).

1955—Act Aug. 11, 1955, amended section generally, striking out provisions which authorized the Administrator to make advances only during the three years commencing on July 1, 1954, and inserting provisions requiring construction within a reasonable period of time, authorizing repayment of proportionate amounts of advances, and establishing a revolving fund.

REPAYMENT OF CERTAIN PLANNING GRANTS

Section 1112 of Pub. L. 89-117 provided that: “Notwithstanding any other provision of law, no advance made under section 501 of Public Law 458, Seventy-eighth Congress [section 1671 of Title 50, Appendix, War and National Defense]; Public Law 352, Eighty-first Congress [sections 451 to 458 of this title]; or section 702, Housing Act of 1954, Public Law 560, Eighty-third Congress [this section], for the planning of any public works project shall be required to be repaid if construction of such project has been heretofore or is hereafter initiated as a result of a grant-in-aid made from an allocation made by the President under the Public Works Acceleration Act [see References in Text note set out above].”

ADDITIONAL AMOUNTS APPROPRIATED FOR PAYMENT TO REVOLVING FUND

Pub. L. 89-128, title I, Aug. 16, 1965, 79 Stat. 532—\$10,000,000.

Pub. L. 88-507, title I, Aug. 30, 1964, 78 Stat. 656—\$1,000,000.

Pub. L. 88-215, title I, Dec. 19, 1963, 77 Stat. 438—\$2,000,000.

Pub. L. 87-741, title I, Oct. 3, 1962, 76 Stat. 729—\$12,000,000.

Pub. L. 87-545, title I, July 25, 1962, 76 Stat. 212—\$1,000,000.

Pub. L. 87-141, title I, Aug. 17, 1961, 75 Stat. 354—\$7,000,000.

Pub. L. 86-626, title I, July 12, 1960, 74 Stat. 435—\$6,000,000.

Pub. L. 86-255, title I, Sept. 14, 1959, 73 Stat. 508—\$6,000,000.

Pub. L. 85-844, title I, Aug. 28, 1958, 72 Stat. 1070—\$7,000,000.

Pub. L. 85-69, title I, June 29, 1957, 71 Stat. 233—\$5,000,000.

Act June 27, 1956, ch. 452, title I, 70 Stat. 346—\$7,500,000.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 5153.

CHAPTER 10—MANAGEMENT AND DISPOSAL OF GOVERNMENT PROPERTY

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(d) Acquisition of excess personal property by Federal agencies for grantees prohibited; exceptions.

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